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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	PATENT
Jürgen Bauer	:	
Serial No.: 10/509,995 ✓	:	Art Unit: 3636
Filed: October 5, 2004	:	Examiner:
For: HEADREST FOR A SEAT	:	


**SUBMISSION OF ENGLISH LANGUAGE  
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

  
\_\_\_\_\_  
Mark S. Bicks  
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19th Street, N.W.  
Suite 600  
Washington, DC 20036  
(202)659-9076

Dated: Mar 14, 2005

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

**BARTELS UND PARTNER  
PATENTANWÄLTE**BARTELS UND PARTNER  
Lange Strasse 51  
70174 Stuttgart  
ALLEMAGNE

Received: 24. NOV. 2004

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Date of mailing (day/month/year) 18 November 2004 (18.11.2004)	
Applicant's or agent's file reference 40orr/129037	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/002668	International filing date (day/month/year) 14 March 2003 (14.03.2003)
Applicant RECARO AIRCRAFT SEATING GMBH & CO. KG et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

None

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, JP, US

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Yolaine Cussac
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 80

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/002668

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 4-13 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1,2,2a,3 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 26 May 2004 (26.05.2004)
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-11 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 26 May 2004 (26.05.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.

PCT/EP 03/02668

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Cited documents

D1: US-A-3 655 241

D2: US-A-3 547 486

D3: US-A-6 250 716

D4: WO-A-95/09742

#### 2. Claim 1

#### 2.1 Following the wording of claim 1, document D1 discloses the following:

head restraint for a motor vehicle seat, with at least one angle adjustment mechanism (see, for example, column 2, lines 66 to 75) and a height adjustment mechanism (see, for example, column 3, line 1, "The height adjusting bars ...") for adjusting the angle and height of the head restraint relative to the seat backrest on which the head restraint can be mounted (see figure 1); wherein a pivot axis (21/4) for the various angled positions of the head restraint is mounted on a guide element (10) at the opposite end from the head restraint, the guide element being slidably

connected to a longitudinal track (12) which, together with the guide element, is also part of the height adjustment mechanism, and the longitudinal track being an integral part of the head restraint (see figure 1 and column 3, lines 1 to 7); and wherein the pivot axis of each guide element is stationary relative to the backrest (see figure 1).

- 2.2 The subject matter of claim 1 differs from this known head restraint in that:

the height adjustment mechanism is mounted between the pivot axis for the head restraint angle adjustment mechanism and the side of the head restraint that faces away from the seat occupant.

The subject matter of claim 1 is therefore novel (PCT Article 33(1) and (2)).

- 2.3 The effect of this feature is that it makes it possible to avoid a collision between the head restraint and the backrest during the height adjustment operation. The problem addressed by the present invention can therefore be seen as that of providing more adjustment options.

The claimed solution is not suggested by any of the aforementioned documents.

In document D2, as in D1, the height adjustment mechanism is built into the body of the head restraint.

The same applies to the head restraint described in document D3. Notably, the problem mentioned above does not arise in D3 because the pivot axis moves together

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with the head restraint during the height adjustment operation.

The height adjustment mechanism in document D4 is located between the backrest and the pivot axis for angle adjustment, and is partially built into the backrest.

3. Dependent claims 2 to 11

- 3.1 Claims 2 to 11 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.